THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19702 OF 1995

DATED: 22-08-2006

BETWEEN

A. Narsing Rao, S/o. A. Dhandraiah,
Occ: Temporary Sub-staff, LIC,
City Branch No.8 (VIII),
R/o. Musheerabad, Hyderabad.

...PETITIONER

AND

The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, S.D. Road,
Secunderabad and another.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents to regularize the services of the petitioner as Sub-staff and pay him all the benefits attached to the regular staff.

Learned counsel for the petitioner submits that the petitioner belongs to the Scheduled Caste, and the Life Insurance Corporation of India (LIC) recruited him under special employment drive for Scheduled Caste's unemployed youth. The respondents have recruited him as temporary Sub-staff under SC quota in the City Branch No.8, Secunderabad in the sales department initially and later he was working as temporary sub-staff in

personal department. He was appointed on 17.04.1995 and since then he has been working continuously without break till the date of filing the writ petition.

He further submits that after the appointment of the petitioner many persons were appointed as temporary sub-staff in various branches and the services of the petitioner were being continued on temporary basis only and his services were not regularized.

Counter has been filed stating that the petitioner's services were utilized as a casual labour for 46 days during the period from 17.04.1995 to 04.08.1995 in the City Branch No.8, Secunderabad and the petitioner was paid on daily wage basis. It is stated that the petitioner was not at all working in the respondent corporation as on the date of filing the writ petition i.e. 30.08.1995 and that there is no personal department in their Branch Offices. It is further stated that even for temporary sub-staff also the respondent-corporation obtains the names of the candidates from the Employment Exchange and the services of the petitioner was utilized only as a casual labour but not as temporary sub-staff (peon). The work entrusted to the petitioner was of casual nature and not that of sub-staff. Therefore, the question of continuing the petitioner and regularizing his services does not arise.

The petitioner has not filed any appointment order to deny the allegations in the counter that his services were utilized as casual labour only but not as that of temporary sub-staff. The said disputed questions of fact cannot be decided by this Court and the petitioner cannot compare himself with those appointed as temporary sub-staff as he was appointed as causal labour only.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

August 22, 2006
DSK